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HOUSE BILL 197

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Thomas A. Garcia

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATION; ALLOWING REGIONAL EDUCATION COOPERATIVES TO PROVIDE EDUCATION-RELATED SERVICES TO NONMEMBERS; ALLOWING COOPERATIVES TO APPLY FOR AND RECEIVE GOVERNMENT AND PRIVATE FUNDING FOR EDUCATIONAL PROGRAMS; CHANGING ACCOUNTABILITY PROCEDURES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-2B-3 NMSA 1978 (being Laws 1993, Chapter 232, Section 3, as amended) is amended to read:

"22-2B-3. REGIONAL EDUCATION COOPERATIVES AUTHORIZED.--

A. The [~~state board~~] department may authorize the existence and operation of "regional education cooperatives". Upon authorization by the [~~state board~~] department, local school boards may join with other local school boards or other state-supported educational institutions to form cooperatives

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1 to provide education-related services. Cooperatives shall be
2 deemed individual state agencies administratively attached to
3 the department [~~of education~~]; provided that:

4 (1) pursuant to the rules of the [~~state board~~]
5 department, cooperatives may own, and have control and
6 management over, buildings and land independent of the director
7 of the property control division of the general services
8 department;

9 (2) cooperatives shall not submit budgets to
10 the department of finance and administration but shall submit
11 them to the department [~~of education~~]. The [~~state board~~]
12 department shall, by rule, determine the provisions of the
13 Public School Finance Act relating to budgets and expenditures
14 that are applicable to cooperatives; and

15 (3) pursuant to the rules of the [~~state board~~]
16 department, the [~~state superintendent~~] secretary may, after
17 considering the factors specified in Section 22-8-38 NMSA 1978,
18 designate a cooperative council as a board of finance with
19 which all funds appropriated or distributed to it shall be
20 deposited. If such a designation is not made or if such a
21 designation is suspended by the [~~state superintendent~~]
22 secretary, the money appropriated or to be distributed to a
23 cooperative shall be deposited with the state treasurer.
24 Unexpended or unencumbered balances in the account of a
25 cooperative shall not revert.

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1 B. The ~~[state board]~~ department shall, by rule,
2 establish minimum criteria for the establishment and operation
3 of cooperatives. The ~~[state board]~~ department shall also
4 establish procedures for oversight of cooperatives to ensure
5 compliance with ~~[state board]~~ department rule. Cooperatives
6 shall be exempt from the provisions of the Personnel Act.

7 ~~[C. The state board, with full participation by the~~
8 ~~cooperatives, shall develop a statewide long-range plan for~~
9 ~~educational and technical assistance activities in public and~~
10 ~~charter schools served by the cooperatives. The state board~~
11 ~~and cooperatives shall report on the initial planning~~
12 ~~activities to the legislative finance committee, the~~
13 ~~legislative education study committee and the office of the~~
14 ~~governor by November 15, 2001 and shall provide annual reports~~
15 ~~thereafter.]~~

16 C. With council approval, a cooperative may provide
17 revenue-generating education-related services to nonmembers, so
18 long as those services do not detract from the cooperative's
19 ability to fulfill its responsibilities to its members.

20 D. With council approval, a cooperative may apply
21 for and receive public and private grants as well as gifts,
22 donations, bequests and devises and use them to further the
23 purposes and goals of the cooperative.

24 E. Each cooperative shall cooperate with the
25 department as required by federal-state plans or department

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1 rules in the effectuation and administration of its educational
2 programs. Each cooperative shall submit reports to the
3 department at such times and in such form as required by
4 department rule. Reports shall include an evaluation of the
5 effectiveness of the technical assistance and other services
6 provided to members of the cooperative and any nonmember public
7 and private entities to which the cooperative provided
8 educational services. The reports and evaluations submitted
9 pursuant to this subsection shall be made available upon
10 request to the legislative education study committee and the
11 legislative finance committee."

12 Section 2. Section 22-2B-5 NMSA 1978 (being Laws 1993,
13 Chapter 232, Section 5) is amended to read:

14 "22-2B-5. REGIONAL EDUCATION COORDINATING COUNCILS--
15 DUTIES.--

16 A. Each council shall oversee the function and
17 operation of a cooperative. At the direction of the council,
18 the cooperative shall provide:

19 (1) education-related services to ~~[all~~
20 ~~entities participating in]~~ members of the cooperative;

21 (2) technical assistance and staff development
22 opportunities to ~~[all entities participating in]~~ members of the
23 cooperative;

24 (3) cooperative purchasing capabilities and
25 fiscal management opportunities to ~~[all entities participating~~

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1 ~~in~~ members of the cooperative; ~~[or]~~

2 (4) such additional services to ~~[participating~~
3 ~~entities]~~ members of the cooperative as may be determined by
4 the council to be appropriate; and

5 (5) revenue-generating education-related
6 services to nonmembers when the council determines that the
7 provision of such services will not interfere with the
8 cooperative's ability to fulfill its responsibilities to its
9 members.

10 B. Pursuant to ~~[regulation]~~ rule of the ~~[state~~
11 ~~board]~~ department, each council shall:

12 (1) adopt a budget and administrative
13 guidelines as necessary to carry out the purposes of the
14 cooperative; and

15 (2) hire an executive director and necessary
16 additional staff."

17 Section 3. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is July 1, 2009.